

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 MANHATTAN DIVISION

4 -----X  
5 MERCHANT CAPITAL, LLC and  
6 NEW SUNSHINE, LLC,

7 Plaintiffs,

8 -against-

9 MELANIA MARKS SKINCARE, LLC,

10 Defendant.

11 Cause No.: 1:13-cv-00873-JMS-DML

12 -----X

13 725 Fifth Avenue  
14 New York, New York

15 September 10, 2013  
16 9:22 a.m.

17 DEPOSITION of CATHY GLOSSER, the WITNESS in  
18 the above-entitled action, held at the above time  
19 and place, taken before Darby Ginsberg, a  
20 Shorthand Reporter and Notary Public of the State  
21 of New York.  
22  
23  
24  
25

1 with Scott Matthews?

2 A. I think a couple of times.

3 Q. More than you did with Steve?

4 A. Maybe. Yes. I can't recall exactly.

5 Q. Do you recall if Steve Hilbert had any  
6 specific input on the terms of the license  
7 agreement as far as certain terms that he wanted  
8 or did not want in there?

9 A. I don't recall specific terms, but I --  
10 I think he was an integral part of the  
11 negotiation, along with Scott Matthews  
12 representing New Sunshine. So --

13 Q. Did you ever personally have  
14 conversations with Steve Hilbert about the  
15 license agreement --

16 A. Yes.

17 Q. -- where it was just the two of you?

18 A. Yeah. I believe that we spoke on the  
19 phone.

20 Q. Do you know if Steve Hilbert ever  
21 directly talked to Melania and/or Donald about  
22 the license agreement?

23 A. I think he definitely spoke with  
24 Melania, and he may have spoken to Donald early  
25 on, but Donald was really not a part of it at

1 all. It was really -- it was a Melania deal.

2 Q. Okay. Do you know when he would have  
3 spoken with Melania? When Steve would have --

4 A. Dates or?

5 Q. Approximate time range.

6 A. I have no idea. During the  
7 negotiations, so whenever we started to whenever  
8 it was signed. Somewhere in between.

9 Q. In 2012. Sure. Sure.

10 Did Tomisue Hilbert have any role in the  
11 negotiations?

12 A. Not that I know.

13 Q. Did she have any involvement at all with  
14 this entire deal, including any ideas on the  
15 product line for the skin care products or --

16 A. The only involvement that I am aware of  
17 that Tomisue had was I -- she was at the photo  
18 shoot for Melania once the deal was signed, and  
19 they were putting in advertising campaign,  
20 promotional campaign together. Tomisue was  
21 there. So I don't know what her involvement was,  
22 but she was there.

23 Q. Okay. Was she ever involved in any  
24 phone calls that you were on with New Sunshine  
25 people?

1 -- what's this? The initial shipment date down  
2 at the bottom.

3 Q. Okay.

4 A. It's primarily -- maybe a couple more,  
5 but that's primarily, hair and makeup, travel.

6 Q. Okay. Now throughout these, this list  
7 of looks like about 26 items, there is multiple  
8 references to Trump. Is that reference to just  
9 the Trump Organization in general?

10 A. That just means me and Jonathan and  
11 consulting with Melania. I don't think it's  
12 referring to the Trump Organization as a whole.

13 Q. That's not reference to Donald Trump  
14 specifically?

15 A. No. I don't think there is any  
16 reference to Donald Trump in any of this.

17 Q. I guess when it says Trump --

18 A. It's not a reference to Donald Trump.

19 Q. I want to clarify.

20 A. This deal, just to clarify, has nothing  
21 to do with Donald Trump. It's Melania's deal.

22 Q. If you look at the item number -- number  
23 14?

24 A. Are they numbered?

25 Q. Number 14.